

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, September 7, 2011 at 2:00 p.m.

PRESENT:

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

Supervisor Walter: "Reverend Bienvenue is going to give-- there you go.

Okay. Welcome to the September 7th town board meeting. Michael Reichel, could you lead us in the Pledge of Allegiance, please?"

(The Pledge of Allegiance was recited, led by Michael Reichel).

Supervisor Walter: "And we're going to have Rev. Bienvenue from United Methodist Church in Riverhead do our invocation. Reverend Bienvenue, would you like us to stand, sit?"

Rev. Bienvenue: "You can sit. And if you'd bow your heads with me, please.

Holy God, Lord, we thank you for this day. Lord we remember that this is a momentous week as we move towards the remembrance of the horrific attacks on this nation 10 years ago.

We ask Lord God for your presence with us and your blessing on

this land and Lord we also ask for your presence with us in this room. We pray Lord for clear heads and cool thinking and we pray Lord God for your blessing. Keep us mindful that we are about the work of your people here in this place.

All this we pray praising your holy name. Amen."

Supervisor Walter: "Thank you. That was-- Reverend Bienvenue, thank you very much, from the United Methodist Church right here on East Main Street, Riverhead.

Okay, well we have another special guest, Jada. Jim, you want to-- Jada spec sheet here. Let's meet Jada. Come on town board. How are you doing?"

Councilman Wooten: "Jada is an American Staffordshire terrier. She's two years old, she's a female. She lost her home, is looking for a loving family that can love her the way she knows how to love and she's really a great dog. Give a kiss.

She's already spayed, she's vaccinated and she's micro-chipped so she's ready to go. A beautiful dog. So does anybody in the audience want Jada? Mike, I don't think you have a dog in your yard."

Supervisor Walter: "Come on, no takers here? Look at this dog."

Unidentified: "She's very, very sweet. She's a sweetheart. And she's housebroken."

Supervisor Walter: "And what's the phone number of the animal shelter?"

Unidentified: "369-6189."

Supervisor Walter: "All right. Well, Jada is available for adoption and hopefully-- "

Unidentified: "She's had a hard life. Two years old and she's had a hard life."

Supervisor Walter: "Well, she looks like a nice friendly dog."

Unidentified: "She's a- I call her an American Staffordshire terrier, golden retriever (inaudible)."

Supervisor Walter: "Well, if anybody is watching, hopefully, we will find somebody that will take Jada. Thank you very much."

Councilman Wooten: "She knows about the town board meeting so she's getting a little comfortable. She's ready to go to sleep."

Supervisor Walter: "You want to take that dog home?"

All right, before we move any further, I have an announcement. The Riverhead Business Improvement District was awarded a \$99,000 grant. I just found out about it a little while ago, for the acrylic- is it acrylic-- ice rink downtown, so that is a very good thing. I just walked in the door. Did you hear about this? I just heard about it walking in the door, so \$99,000 for the Business Improvement District, so we will be moving forward with the synthetic ice rink.

And, Jim, you want to announce for Sunday?"

Councilman Wooten: "Yes, thank you. This Sunday, as the Reverend pointed out, is the 10 year anniversary for the attacks on our country. Riverhead is having a- I guess it's more of a procession than a parade, but a procession from the Riley Avenue School to the World Trade Center memorial site which is at the corner of Riley and Edwards Avenue.

The parade is going to start- or procession will step off from the school at 1:00 and then when we get down to the World Trade Center we'll have a memorial service and remember those who gave their lives that day and those that lost their lives that day at the Trade Center.

We'd like to have everybody there if we could lining the route along Riley Avenue and then join us at the World Trade Center for a small service of remembrance for that event.

It's this Sunday, so (inaudible) and keep up the web pages, I'm sure they'll have it."

Supervisor Walter: "Can we get the tape on today, tomorrow? We'll get it right on."

Councilman Wooten: "Thank you. It will be a nice event. We've got some bagpipers coming and nice guest speakers."

Supervisor Walter: "What time are we lining up at Riley?"

Councilman Wooten: "Riley Avenue, we're lining up around 12:30. We're going to kick off at 1:00 and the service will immediately follow. So it's only about a 15 minute walk. So about 1:15 we'll have the service at the World Trade Center memorial."

Supervisor Walter: "All right, very good. Thank you very much."

John- "

Councilman Dunleavy: "I'd like to make a motion to approve the minutes of the town board meeting of August 16th and the special town board meeting of September 1, 2011. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Okay. Applications."

APPLICATIONS:

Special event	Garden of Eve - 8 th annual Long Island Garlic Festival, Sound Ave., September 24-25, 2011
Special event	Peconic Bay Region/AACA - automobile show, Hallockville Museum Farm, Oct. 2, 2011
Special event	IRIE - scarecrow and horse festival, Hallockville Museum Farm, Oct. 8, 2011
	Darkside haunted house Rt. 25A

Wading River, Sept. 30 - Oct.
31, 2011

REPORTS:

Sewer District	discharge monitoring report, July 2011
Police Department	Monthly report for July, 2011
Building Department	monthly report for August, 2011 \$34,481.50
Tax Receiver	total collections August, 2011 \$394,741.72

CORRESPONDENCE:

1 e-mail and 72 post cards	requesting adoption of a short Term moratorium for the Wading River corridor
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Supervisor Walter: "Is that the same 72 postcards- "

Diane Wilhelm: "No. These are in addition to- "

Supervisor Walter: "New 72 postcards."

Diane Wilhelm: "Yes. New 72."

Supervisor Walter: "Do you know whether they're the same people?"

Diane Wilhelm: "I'm sorry."

Supervisor Walter: "Do you know if they're the same people sending the same postcards?"

Diane Wilhelm: "I never checked all the signatures to be honest with you. But I think- I would hope that they're different people. But you never know. I don't know."

Supervisor Walter: "I'm just curious."

Diane Wilhelm: "Never thought about that."

CORRESPONDENCE (con't.)

4 e-mails	In support of the proposed legislation that the planning board hold public hearings for site plan applications
Nancy Gilbert and Richard Wines	letter regarding public hearing of 8/16/11 regarding acquisition of North Fork Preserve
Nancy Gray	letter regarding public hearing of 8/16/11 regarding acquisition of North Fork Preserve
Sal Mastropaolo	letter regarding dangerous situation at corner of Gregory Way and Sound Ave., Calverton
AM PM Property	letter requesting the town board consider code amendments with regard to two family, family use only dwelling

Supervisor Walter: "Did that one just come in? I know AM PM is here- I think she's here. Can you get a copy- unless it went- did it come to the office, my office, like in the last day?"

Diane Wilhelm: "I don't know for sure. I was out last week so I'll have to double check that."

Supervisor Walter: "Michelle, are you still here? She was here. If you can get it to me, that would be- to the board. Because I don't think I saw that."

Okay. We have two public hearings. The first one scheduled to start at 2:05."

Public hearing opened: 2:12 p.m.

Supervisor Walter: "And 2:05 having arrived, is the for consideration of a proposed local law to amend Chapter 101 of the Riverhead town code entitled vehicles and traffic, Article V parking, standing, stopping, parking prohibited- and John, this is Ostrander Avenue.

Did this come out of the traffic committee?'

Councilman Dunleavy: "This is parking on the Ostrander side of the entrance to the King Kullen shopping center north where the church is right there.

We're going to prohibit parking close to that intersection because cars pulling out cannot see to the right. We can't have cars parked up to that intersection.

So about 20 feet north there will be no parking at the intersection of the King Kullen entrance."

Supervisor Walter: "Okay. Does anybody wish to be heard on this? Not seeing anybody, I'll close the public comment portion and leave it open- it will be nine days until the- September 16th, Friday, September 16th in the town clerk's office.

Feel free to make written comments before 4:30 on the 16th."

Public hearing closed: 2:13 p.m.

Left open for written comments for
10 days to Friday, September 16, 2011
at 4:30 p.m.

Public hearing opened: 2:14 p.m.

Supervisor Walter: "And the second public hearing was scheduled for 2:10 and 2:10 having arrived, is the consideration of a proposed local law to amend Chapter 101 of the Riverhead town code entitled Zoning Article XXVI site plan review, Section 108-131 application procedure; fees.

Mr. Duffy, do you want to introduce this briefly? This is- is this the- this is- right. Do you want to have Bill do it or do you

want to introduce it? I see him sitting here. I figure- "

Robert Kozakiewicz: "Bill is more familiar with it."

Supervisor Walter: "All right, Bill. Why don't you introduce this briefly and then take notes."

Bill Duffy: "Good afternoon."

Councilman Wooten: "You've got to spin that around, Bill. I'm sorry. Thank you."

Bill Duffy: "Good afternoon. This is an amendment to Chapter 108 to allow for public hearings on site plans."

As I believe the board is aware, most towns do have public hearings on site plans, the town of Riverhead currently does not.

This calls for a two stage application process whereby there will be a preliminary site plan application made by the applicant. Once that was completed and went through the process and review, there would be a public hearing and then after the public hearing there would be consideration of a final site plan approval."

Supervisor Walter: "Okay, thank you very much. Does anybody wish to be heard on this matter? Mr. Danowski."

Peter Danowski: "Pete Danowski. I do represent some clients that come before the board from time to time. I think one of the most important factors to consider in adopting legislation is what do I hear and what does the public hear from those who have businesses in town that look to expand, those that want to come to the town and build a project, and the average question I get is how long will it take to go through a process in this town. And I think that's probably a standard question in most towns."

I differentiate when I speak to clients. Those applicants that need to go for a special permit that's a discretionary permit. We could argue about whether there should be findings that could possibly deny people but at least when you have a site plan that requires no special permit and no variance, you should as a property owner or a contract vendee anticipate that you have a right to build.

Now having said that, you have a right to build. I certainly recognize there's a process to consider your architecture, your landscaping, your code compliance, your drainage and basically to make it the most attractive project business-wise in the town.

But I am unable many times to answer that question, how long will it take in the town of Riverhead to process a site plan application.

And when I look at this proposed legislation I see nothing but further prolonging of time periods. And a lack of definiteness where there are no default provisions against the town, where if they failed to act even if there is a time period put forth in the code, that there is no remedy for the applicant.

Maybe he can litigate and that's certainly time consuming and expensive. So when I look at a two stage public hearing process on a site plan that I should be able to tell a client allows them to develop as a matter of right, I am concerned we're going to chase business out of town.

Now when assessors in this town look at a piece of property, they certainly look at the zoning on the piece and they take a look at what could be built on the property. They look at the highest and best use per the zoning code provisions and they attempt to collect taxes based upon the zoning in place.

Certainly if people have a right to build, that tax bill will increase as opposed to decrease. And people don't mind paying if in fact they clearly have a right to build.

We're now suggesting that we're going to not just allow for transparency which I'm in favor of. I think what should happen is business owners, people that own property in the business zone that's subject to site plan review, they should get a thorough review but it should be prompt.

There should be transparency. No one, no one has ever complained about every meeting should be public or at least available for public review. That's not the issue. But the issue here is when you say an applicant must start out by filing a preliminary application and then the planning department will have to determine whether it's complete.

If they determine it's not complete, are we there forever? What if they make no determination and months go by? What's the remedy for the applicant?

There is no turn around against the town in those circumstances. And so now we deem the application complete, do we get mailed that notice? As the applicant, your application has been deemed complete.

Well then do I expect that the application will be put before the planning board? It doesn't look that way. It looks like despite the fact the application is complete, despite the fact you may mail it out to other interested departments, that the planning department could make a decision that said it's not yet ready for the planning board.

The planning board hasn't even seen the application, hasn't seen the plan. Even though you have an application that's deemed complete, I mean determined to be complete, not deemed, determined, but the planning department can determine complete as it may be, we don't determine the planning board should see it yet. Wow.

And I will say this. You've got some of the nicest, most polite, most accommodating people in the planning department. Joe Hall, Karen Gluth (phonetic), Rick Hanley who heads the department. They're always available, they're always willing to sit down and talk about the project. We could disagree about procedures or rules or plans but they're more than accommodating. And I probably push the envelope there many times.

So the concept that an applicant or a developer or business owner wanting to expand or build in the town would have to go through a long winded process is a big concern of most people.

And you're saying here and maybe it's because other towns do it and you feel you must do what other towns do, that you're going to extend this process without limitation. I say without limitation because of the lack of default provisions.

You are going to not only have a public hearing at the end, you are going to have several public hearings. That's nice, I appreciate that if I were sitting on a board and if someone said why don't you give the public a chance to have a big public hearing to discuss matters, that's easy to say yes to.

What I'm concerned about is the length of time. I would suggest that as we do even today, we can always sit down with planning staff. Almost all of us hire local engineering and surveying firms or we look to. We sit down with planning staff and say here's what we're thinking about doing.

You're good enough to allow for Tuesday morning meetings with some town representatives here and engineering staff when we want to bring a new project to town. You are very accommodating in that way and we get a sense of what you want.

The local engineering and surveying firms know the rules, know the laws, know the code, know what you'd like to see. We don't do invasive plants. We try to think about what the architecture should be in an area. So we're geared up to that.

Your requirements ought to do a tremendous amount of detail at the preliminary site plan stage. You have this detail at the first time we come in before the planning board and now you're saying we're not even going to get to the planning board and it's only going to be preliminary.

And then you build into the code that perhaps at some stage, the planning board can deny your site plan. Deny it, even though it's a complete application; even though you've been through the process; and even though you say no variances needed; and even though you say it's not a special permit, it's not a discretionary permit, you have a right to build, but the planning board could somehow deny you.

Then you sort of have a little give back but I don't know what it means. You can proceed to final plan on the denied preliminary plan. Really, what's the meaning of that?

I just would ask you to not vote an adoption of this plan. I'll put some further remarks in writing about it. But it seems to me that the process should be, we should be going before the planning staff, submitting our plans, certainly having them look at it for completeness.

We should be meeting with the planning board and discussing the plan and if you want to set a public hearing at the final site plan stage, certainly set the public hearing at the final site plan stage. But, again, when the hearing is closed, how many months or

years do we wait for a decision?

What if you don't-- decide not to vote? What happens then? I think it's a real concern because we've had a master plan adoption. We've had zoning revisions. Like it or not and I don't like some things that have happened, but at least when you have a site plan that meets zoning and your planning staff do this today, they review and review these plans for code compliance, and when you meet the code and you've got a site plan, the only value to your property is if you have a right to a prompt review and approval.

If you're not going to give people that, then you're going to render this property valueless. So I'd ask you to consider carefully whether you're really looking at this as a discretionary special permit. Let's have a long, long process with several public hearings and go through a long winded process to perhaps say no to somebody who wants to build in the town.

I think what's good about the process today is you have professionals reviewing the plan, you're able to get at least hopefully through a process, and I complain about the process today. This is going to be a really long winded process.

Thank you."

Supervisor Walter: "Pete, just-- to clarify one point and I think you would agree. Our code doesn't have default provisions now. In fact, our code-- this one-- one point, within 10 days of submission-- within 10 days of submission, we're going to tell you whether it's complete. That's-- "

Peter Danowski: "And if you don't."

Supervisor Walter: "And if we don't, you're going to-- I don't want to say-- "

Peter Danowski: "That's the point."

Supervisor Walter: "You have an action in mandamus, but what I'd rather you do than write a letter to us, I'd rather you take this code the way we mark up-- lawyers mark up contracts and tell me what you'd like to see in specific spots. It's easier for you and it's easier for us to say oh, maybe that makes sense, and mark it up and give us the comments."

Peter Danowski: "And I say this, that sometimes you don't fix that which is not broken and all I'm saying is we need to have thoroughness, we need to have transparency. We need to have some reasonable speed in reviewing site plans that don't need special permits and don't need variances."

Supervisor Walter: "Let me ask you one other question then I'll let Jodi, Councilwoman Giglio speak."

Chris Nuzzi adopted or they went to public hearing for something- Councilman Chris Nuzzi in Southampton, Nuzzi, and I- it was sent over to me by Ron Farnworth actually and I like what they've done. They've sort of codified our Tuesday morning meetings and they've created a- for complicated site plans, they've created a board or the Tuesday morning group as a codified group that will help applicants get through the process and they're required to meet twice a month now. We probably meet more than that.

And basically talk with the town board and (inaudible) between the town board, the planning board, the zoning board, and this group of, you know, engineering, planning staff and everything, their job in this is to push these applications either forward or push them out if they obviously don't meet the zoning.

Take a look at the- have Ron, he e-mailed it to me, maybe e-mail it to you. Take a look at it because I thought it was a good approach. I thought Councilman Nuzzi was on point and I haven't sent it to the town attorney to take a look at but I think it's- it would be a follow on to this to help you with some of the things that you're talking about. Trying to get these things through the process.

Because we sit here on the town board and we don't know until somebody picks up the phone and yells at us that something is not moving through the process and this sort of- Councilman Nuzzi's code provision and group would be telling the town board all the time.

So take a look at that and I'd like to see what your comments are on this and I'd like to know sort of informally what you think of Councilman Nuzzi's statute."

Peter Danowski: "I'll have my comments and certainly I'll mark up what's here."

Supervisor Walter: "Thanks."

Councilwoman Giglio: "And, Pete, I just wanted to also say that we had discussed whether or not we would have the public portion or the public comment period during the preliminary stage or during the final stage and we thought that it was unfair to have the public come in and want to make changes to the site plan that's already been through the process and at the final stages.

That's why we thought the comments by the public should be addressed during the preliminary stages before the planning board deliberates as to what they would like to see at the site whether it's grapevines or trees. You know, it's- "

Peter Danowski: "I think the difference is that your requirements early on call for tremendous detail and when an application is deemed complete, it is truly what amounts to a final site plan.

And to suggest that we have a second layer of review, preliminary and final, I just don't think is fair and I think again going back to the earliest comment I had. People come to me often and I grew up in this town. And they say what do you think? Should I buy this piece of property, what do you think? What are my chances of getting approved? Don't I have a right to the approval?

And we review the code and we review the uses and we review the layout and we hire local people to- engineering, surveying firms to lay it out and we meet at the office and believe me we twist and turn plans to make them work correctly and meet what I view as planning staff's normal comments and review.

So when we submit that application, I mean we think we're already there. And sure look at it 10 times to Sunday. I don't care about the thoroughness other than I like months, I don't like years. And this is going to turn into years.

So my concept is get it detailed. Get staff reviewing it, pass it all around. Any meeting is a public meeting, you know, have transparency. No one cares about that. But we do care about obstruction. People what want to build nothing in the town, that are opposed to every process, every NIMBY person out there that says we're against this, we're against every project.

But that's going to happen, people are going to be opposed to things, people are going to have their opinions, they have a right to their opinions. All I'm saying is I'm looking for some ability to tell people that want to invest in this town, that it's a fair process, it's a thorough process but it's a prompt process. And I think the promptness is what I see missing in the statute."

Supervisor Walter: "And that is one of the things if- when you- understand you don't like the public hearing aspect. I think the board wants to have the public hearing but I think the board is cognizant of the fact that we don't want these things to go on forever.

So when you're making your comments within reason, you know, if there's something- I know there is default approvals in certain areas of the town law, focus on ways for us to make sure that the planning staff and the planning board are moving this through in a timely manner."

Peter Danowski: "Well you know it's a catchall and it's always been the case and I thought that's what was abused in the SEQRA process over the years is this ability to try to deem you incomplete forever. Okay. And that's a word of art to say someone is going to review something and determine whether it's complete, all right.

The same thing can happen here but I really do have faith in the employees that work for your town and the planning department and I don't think that they'll act in bad faith.

But I- my point is, this is not a subdivision where you have sketch preliminary final which- this is not a special permit where you determine we're not sure we want the use or not, it's discretionary. We're talking about site plans where you meet zoning and have a right to build what you're submitting.

And all I'm saying is do you really need to go through this layer after layer in several public hearings? You are going to have a public hearing. Have it at the end.

Thank you."

Supervisor Walter: "Thank you. Next."

Sid Bail: "Sid Bail, president of the Wading River Civic Association."

Supervisor Walter: "You're the president again? Were you absent at that meeting? Congratulations."

Sid Bail: "I went to the bathroom, I believe."

Supervisor Walter: "Congratulations, Sid."

Sid Bail: "Thank you. First of all, I believe the public has a right to be heard on land use issues that have the potential to impact our environment, our way of life and community character."

I have a lot of respect for the last speaker, Peter Danowski, with this proposed legislation. I don't see a conflict between transparency and the right to build.

Going back to the last administration, I won't mention any names in the last administration, it's sensitive times that we're in here. We had a shift from commercial site plan review to- from the town board to the planning board and you know in the real world, you know, I taught government for a number of years in public schools and when I taught government in places like Newfield High School, I found out, you know, what I was teaching about- "

Supervisor Walter: "Gee, I know somebody that went there."

Sid Bail: "Yes. Right. What I was teaching about was basically national government and as far as the government closest to us like government goes, I didn't know a heck of a lot about it and a lot of my friends and neighbors even knew less than, you know, I did."

And so when you're dealing with, you know, so many of these issues people are kind of like clueless in things that they believe are going to impact their lives. You know, how do I address these things?

We have a huge turn out today at, you know, this meeting and, you know, in some ways it may be larger than some of your afternoon, you know, turn out.

Now the avenues for public input and comment, maybe that's the

transparency that Peter was talking about. They seem to many of us less clearly defined under planning board review. All right. And the new legislation seems to try and address that, put us more in line with what some of our neighboring towns could do.

Now I know Peter grew up in Riverhead. I didn't grow up in Riverhead, okay. And- but I don't think Riverhead is that different than the rest of eastern Long Island, you know, that, you know- "

Supervisor Walter: "We're better."

Sid Bail: "-- well, we like to believe, you know, I'm sure they say the same thing in Southampton, in East Hampton. And now some progress has been made on this issue of more transparency, more input. The planning board who have been receptive to some of these things and Mr. Supervisor you yourself raised some of these issues about public comment and they make that part of their agenda right now and I think that's a very progressive step.

What we're looking for is a codified public hearing process like our neighboring towns and I don't think that's necessarily a bad thing. I don't think that's necessarily something that's designed to deny property owners, you know, the rights to develop their land.

I know that the RNPC submitted a list of ideas that- to help you-- suggested that- Peter Danowski suggested mark up the bill, the proposed legislation, etc.

I just wanted to talk briefly on two issues. One of the suggestions, and I don't see meeting after meeting. I must be missing something in the legislation that Mr. Danowski is talking about. I agree with Councilman Giglio about the idea of why the hearing was put at the beginning rather than at the end of the process.

But one of the things that they talk about is- well one of the things that we thought was a really good idea was to codify evening meetings and it was thought in general and the general discussion with the town board they would leave it up to the discretion of the planning board.

And I think it's really important that these meetings be in the evening because you want to give the- I think the maximum potential

for the residents of the town of Riverhead to participate in the process. And it's difficult. I'm a retired guy, okay, you know, I can get here. But like for someone who's working in these, you know, very, very difficult times to tell the boss I'm taking off to go to a 3:00 planning board meeting. And it's really important to them.

You know, just isn't good and so this may make things inconvenient for the planning board members who are all very nice people by the way, but I think it's really important for the citizens of the town.

One other issue I just briefly want to talk about is the comment period. I think it should be longer than 10 days. I don't want to you know upset Mr. Danowski, but it should be somewhat longer because like-- there will be people who will not be able to get to the public meeting and maybe they'll find out about it by watching, you know, on television, all right, whenever it appears on television.

They're not on real time, are they?"

Supervisor Walter: "No. We update it usually every Friday."

Sid Bail: "Yeah, all right. So, you know, there is a lag. Some people will get their information from the local papers, you know, Riverhead local Times, Review, etc. So I think that 10 day period should be extended.

Southampton has a 30 day period. Perhaps that's too long, perhaps that's, you know, more in keeping what it should be.

Okay, those are just some suggestions. As I said, I don't necessarily see a conflict between transparency and the right to build.

Thank you."

Supervisor Walter: "Thank you, sir."

Michelle Janelowicz: Michelle Janelowicz."

Supervisor Walter: "Good evening. Afternoon."

Michelle Janelowicz: "I don't have a problem with the applicants- I'm sorry, the civil associations' commenting as they have a constitutional right. However, what I do have a problem with is the code the way it's written. In certain areas, I think it should be clarified that they put down that different forms will be submitted to different agencies but it doesn't say governmental agencies and a civic association is not a governmental agency.

So it concerns me that the civics are going to be making comments when they're not a governmental agency and that was just declared unconstitutional by a very well known attorney in Brookhaven town."

Supervisor Walter: "We don't circulate them to the civic organizations. We circulate them to within our town and to the regulatory agencies."

Michelle Janelowicz: "Okay, I understand that, but the code does not clarify governmental agency. It says- "

Supervisor Walter: "Well-- tell me where that is so- "

Michelle Janelowicz: "In three different locations."

Supervisor Walter: "Bill, do you know where that is? I mean it's not- you know- "

(Inaudible comment)

Supervisor Walter: "Yeah, I mean- we circulate to the County Planning Commission, Pine Barrens Commission. You have to submit- "

Councilwoman Giglio: "The consulting engineer who's not necessarily a government agency."

Michelle Janelowicz: "Correct. But it doesn't say governmental agencies in the code and I'm concerned that it's going to be distributed to the civics and again they are not governmental agencies."

Supervisor Walter: "Yes. And it's not meant- I mean the civics have a right to have it but we don't do a coordinated review with- "

Michelle Janelowicz: "Okay. The civics have a right to obtain it from the town but they do not have a right to have it sent to them."

Councilwoman Giglio: "Right. No, if you go to 6D where it says further processing, and then if you turn the following page, those are all the agencies that may or may not receive a copy of this from our planning department."

Michelle Janelowicz: "Okay, but if you read further down, it does say other agencies. It's actually in three different locations in the code."

Supervisor Walter: "All right. I understand. I mean I don't consider a civic organization an agency and that's not meant for that so, Bill, if we could- I'm sure that's not something that the board- we can clarify that, that's not a problem."

Councilwoman Giglio: "No, not a problem. I guess we just call it agencies because it's, you know, the engineer, the consulting engineer is not a governmental agency. It's just an agency that we consult with or Pine Barrens Commission- "

Supervisor Walter: "Is quasi-governmental."

Michelle Janelowicz: "Okay, so just to clarify, the civics will have to FOIL for their records. They will not be sent copies of site plan applications."

Councilwoman Giglio: "That's correct."

Supervisor Walter: "We'll take a look at it to make sure that- out intention and this is part of the record- that out intention is obviously to send this to governmental agencies. The Pine Barrens Commission is sort of a hybrid of that but that's what the intention is."

Michelle Janelowicz: "I just want to reiterate, it was declared unconstitutional this year."

Supervisor Walter: "But not this because this is not what we're trying to do."

Michelle Janelowicz: "Correct. They are allowed to speak but

they're not allowed to get the application."

Supervisor Walter: "Is that (inaudible) case?"

Michelle Janelowicz: "No comment. Thank you."

(Inaudible comment)

Supervisor Walter: "He's got to make copies for you?"

Martin Sendlewski: "No, I made copies I said. There's copies there. I made copies.

Martin Sendlewski, Riverhead. What I handed up to you, I'm going to leave this also when I'm done speaking. I'll leave this with Diane.

This is a form you can get on the DEC web site. It's called the SEQRA cookbook, a step by step discussion of the basic SEQRA process.

Ever since-- I've been doing work in this town now for-- I only have the one I'm referring to.

You know, for many, many years the way the town's site plan code was written, I've always felt there's been some shortcomings in it in that it always had the final, you know, the determination of the type of action as part of the final resolution which never made sense.

You're at a point now where you're looking to re-write the site plan process for the town. If you follow SEQRA, this is a chart that basically is a diagram of SEQRA law. This is exactly every step under SEQRA and this book, the SEQRA cookbook, has a step by step description of each of these processes.

What I did was on each step, I penciled in what part of the process that could be in the site plan process. For example, on the very first step, when they verify whether it's subject to SEQRA, that can be done by the planning department on a preliminary application and they would make a recommendation to the planning board.

The next step would be the planning board's responsibility to

actually make a declaration, whether it's a type I, an unlisted, or a type II. Now if it's a type II action under SEQRA, the bottom item which means it doesn't have an impact, it would go to ARB your basic review and then it would be approved. There should be no public comment. It's totally as of right. It's a small project. It doesn't trigger SEQRA. Therefore, it should be done just in accordance with SEQRA law.

If you set your site plan approval up similar to this chart, it will make sense for everybody.

If it were a type II, I mean an unlisted or a type I, then it would require either a partial or a fully EIS by the applicant. That would go back to the planning department for distribution to all involved agencies, county DOT, etc., and then at that point you would have your public input.

After it's declared, you know, to be an action that will have an impact, the draft environmental is done, the initial review is done by planning, then you could have your public input published and gain public's input before you then go back to the applicant based on the information gathered and have them make changes.

This way you go through the review process, the public has their say, that goes back to the applicant and they are then able to react to it, revise it, resubmit it.

At that point, the— as far as reviewing and accepting the environmental impact study, that would again go under the planning board review at work sessions, etc., and then as part of the SEQRA there is a public comment and a SEQRA scoping hearing that can also be included. That can be a second public hearing for let's say a type I action.

Then after that, the review would be finalized. The final documents would be accepted, the applicant would get their final marching orders so to speak, they can make a revision. It goes to the planning board and it's either approved or denied.

Instead of going through all these processes, in Southampton town and other towns and this and that, just follow SEQRA. The state has the law written right here and if you just look at it this way and you insert the public hearings under a type I, two public hearings, under an unlisted one public hearing; under a type two, no

public hearings because that's an as of right application, just set up your zoning to follow SEQRA. It's all laid out for you by the state. You can't miss. It's part of the state law.

I don't understand how come townships take their zoning code and they write something such as a site plan review, they don't structure it around the adopted law of SEQRA. It just to me would make sense.

You should know whether it's a type I unlisted or type II right after you submit your application. There should be a resolution by the planning board declaring the type of action it is. Right up front. And then that sets the stage for the rest of the process.

I think everybody who develops projects would be happy with it because they'd know exactly where they stand up front. If the town had a site plan checklist like this, they could follow the checklist right down, check off each step of the way and the public would have an appropriate time to comment.

Thank you."

Supervisor Walter: "Thank you. Rick, can I talk- can you come up there, I want to ask you a question. Show that to Rick, I want to ask him questions. Not to put you on the spot, Rick, but we will.

Actually I think this might be too cumbersome in some respects."

Rick Hanley: "Just as a comment. We are very familiar with state law, my department. We've been following it for about 25 years, so this is nothing new."

Supervisor Walter: "No, no. But what's interesting about it is could we do a checklist or a flow chart like this for the applicant to know? I wouldn't codify it necessarily. But could we in house do a checklist once we come up with whatever form of this public hearing or site plan review process the board comes up with, we could create this flow chart so people would know. And that's not- "

Rick Hanley: "In terms of a design professional we're talking about?"

Supervisor Walter: "In terms of a design professional or the lay public."

Rick Hanley: "I mean we could insert a SEQRA flow chart in our application forms but we have a site plan checklist presently."

Councilwoman Giglio: "As part of the review, I think- "

Rick Hanley: "It's the lead agency's job really to make all these SEQRA decisions. It's not a function of the design professional, the drawings."

What we try to do in my department is to utilize the review process as a way to mitigate environmental impacts through the process. That's why we wait until the end of the process to make some of these decisions."

Supervisor Walter: "Because if you did it up front they'd all be type I- "

Rick Hanley: "We'd have- EIS's for most of these projects which is what we don't want to do."

Supervisor Walter: (Inaudible)

Councilwoman Giglio: "(inaudible) start looking at traffic flows and things of that nature."

Rick Hanley: "So we use the process to mitigate environmental impacts, to get to the point where we can neg dec most of these site plans."

Supervisor Walter: "All right. I mean I thought that was going to be the answer. I would like to see- I know you have the checklist but when we adopt this with the public hearing, let's revise that checklist or maybe throw a flow chart in there so the people- some people like to look at it that way."

Rick Hanley: "Sure."

Supervisor Walter: "Marty, do you want to re-comment on that?"

Martin Sendlewski: "I'll just leave this with Diane. I just

think that the structure of the code, the structure of the site plan review, I just don't understand why the structure of it, each step written in the code, doesn't follow this structure that's part of SEQRA. That's the part- "

Supervisor Walter: "Actually I think we go faster than the SEQRA process."

Martin Sendlewski: "Not really, not really. Because you're not talking about a full environmental review. It could be a short EAF. It could be the one page EAF if it's a type I. And the town could accept it and move right on. So that's inaccurate to say it's going to be, you know, lengthy and all that."

Basically what you're doing is going through it, you're knocking off each step of the way and it's a very orderly and very clear and concise."

Supervisor Walter: "But when somebody comes in and it turns out to be a type I and through the code- through the process they mitigate the impacts, you're better off waiting until the end because it could be neg dec'd or something along those lines based on the impacts through the design process."

I think that's what Rick is saying- "

Martin Sendlewski: "I think that SEQRA- I think you've got the cart before the horse. The neg dec is what triggers the mitigation, okay. You're talking about the neg dec being a result of people coming in with comments. That's not the case."

You neg dec it first, then you let the public comment, then you mitigate the issues and approve it. That's the bottom line. It's not that you get- oh, let's get their comments and say, oh, gee, this is no good because we've got all these comments. Sorry. You're neg dec'd."

It doesn't work that way. It should be neg dec'd up front where it may have a potential impact. Then you gather the information what the impacts may be, you allow the applicant to mitigate those impacts and then you approve their project. That's the way I think it should go. Not wait until- you're basically holding all the cards up your sleeve until they get to the end of the process."

Supervisor Walter: "I think you'd have more impact statements. That's what I think Rick is saying. You'd have more potential long form- "

Martin Sendlewski: "It doesn't say long form. It could be a short, it could be a long."

Supervisor Walter: "But you potentially could have more."

Martin Sendlewski: "You can potentially have more short ones too, just a one page form. If you fill it out, it goes in the file, you move onto the next step. It really could be made a lot easier than you are making it sound."

Councilwoman Giglio: "I think that what I'm hearing from both you and Mr. Danowski is that there has to be some predictability and certainty of the outcome and if you know up front that based on your proposal that you are doing this, this is how big it's going to be, this is the number of cars that are going to be coming, that a declaration can be made at that time rather than at the end of the process. And then there's some predictability because you can move forward based on that SEQRA determination."

Martin Sendlewski: "Correct. And right where the issues come up that you want to gather information about the impacts that should be mitigated and addressed, that's the appropriate time for the public to come in to play because they have input on these- these could be a negative impact that we foresee. They put their input in, that goes to the planning board or the town board whoever is the lead agency, they present it to the applicant. They then respond to it. Okay.

And then ultimately after that comment and possibly a second public hearing, whatever it is, the client- the applicant addresses those issues and then ultimately it's up to the planning board as lead agency to then go ahead with the approval.

But at least this way it would be pretty structured. You'd know up front and you're not, you know, waiting until the end to find out whether it's a type I, type II. That should- you should know that right up front, and go right through the process.

And it really can be easy. It can be a one page environmental form if it's not that big of a deal. That's more where you get it

(inaudible) to all the other involved agencies. And, you know, you refer it out to everybody, you get all the comments back, you do the one page or even the long EAF, it's only 20 something pages. You review it, Joe Hall reviews it, it comes back with his comments, you finalize it, you're done.

If there is a major project that's going to require a, you know, an environmental impact study, then so be it. Then that's why SEQRA is there, to make sure that that study is done when it's appropriate."

Supervisor Walter: "All right, thanks Marty. Next."

Jen Hartnagel: "Good afternoon, Supervisor, members of the Town Board. My name is Jen Hartnagel and I'm speaking on behalf of the Group for the East End.

For the record, Group for the East End is eastern Long Island's largest professionally staffed environmental organization. We've been working on environmental and community planning issues throughout the region since 1972.

I'm here today to first thank the board for allowing the proposal to reach the public hearing stage and I appreciate the opportunity to comment today.

Secondly, I would like to lend our strong support to the legislation. From our perspective providing the opportunity for public comment within the planning review process is one of the most vital components of intelligent and balanced community planning. Period. And we truly believe and have experienced this within the other towns that we work in that there's nothing more valuable and constructive within the planning process than the institutional knowledge and the input that residents, business owners and the community can add to the planning board's decision making process, whether it be critiques, support, recommendations. It's all helpful.

And despite what's been said today there's a lot of discretion in many of these site plans. It is not a cut and dried decision and that's why the public input is so important.

Because in the end, the entire purpose of the exercise is not to further polarize the different groups or different interests, but

is to work together to create a collaborative process that in the end is going to produce the best site plan for not only the applicant but the community as a whole, because we all live in this community at the end of the day.

Having said that, I have three additional specific recommendations that I would like the town board to consider that are specific to the legislation. And I just wanted to echo what Sid said earlier about the timing of public hearings. We feel it is extremely important that the hearings are held at night so that the majority of the people can come if they wish to. Because during the day people work and you're not going to get the show and why have the public hearing process if no one is going to show up.

Secondly the pre-submission conference section, Section A of the legislation, I think opening up the pre-submission conference to the public is an extremely positive addition to the process and I think it's very helpful as a resident for an organization or a business to learn about the application in the very early stages.

However, in order to participate we need to know that they're taking place. And right now there's no agenda that would allow us to know that they are going to be holding these pre-submission conferences. So I would like to recommend that the conferences are posted on an agenda and the agenda is either posted on the web site or e-mailed out to people prior to the meeting.

And lastly- "

Supervisor Walter: "Hold on one second. Rick, that's something- I mean you don't have to codify that. That's something we can do as a policy, right? I mean we do add a lot of people to the pre-submission conference that sort of walk in. I think we added somebody yesterday."

Rick Hanley: "I think that there's a confusion between the pre-submission conference and our Tuesday conferences. I think Bill wrote into the code the requirement for a pre-submission conference or is it- "

Councilwoman Giglio: "It's not a requirement. It's just that they may or may not. We changed that. But it is the same thing as our Tuesday morning meetings that we have. The pre-submission conferences are where they would be put on here and we do have an

agenda that is prepared for that and the supervisor is correct where we put people on last minute but I don't see a problem with putting that up on the web site. Do you?"

Jen Hartnagel: "Okay. Thank you, that would be helpful."

Supervisor Walter: "All right. Let us know if it happens. Rick, we want that to happen."

Jen Hartnagel: "Okay, I will."

Supervisor Walter: "Put it on the web site."

Jen Hartnagel: "Okay, the last thing. Section H, the effective date. I would like to strongly recommend that all current site plans that have not yet received final approval and are still within the review process, be subject to the public hearing.

I think given the immensity of public interest concerning a number of site plans currently being reviewed, combined with the spirit of trying to create a more open government in town hall, I think that it is extremely important that these hearings are held on these applications and really what's the harm in that.

To conclude, I want to thank you for considering my recommendations and I hope it's not too presumptive but I would like to thank you for voting to adopt this legislation moving forward.

Thank you."

Supervisor Walter: "Thank you very much."

Dominique Mendez: "Good afternoon. Dominique Mendez, Riverhead Neighborhood Preservation Coalition.

First I'd like to commend the board for moving forward towards requiring the planning board to have public hearings for commercial site plans and for including us, the RNPC, in this process up to this point. If this- "

Supervisor Walter: "You're welcome."

Dominique Mendez: "Yes. Oh, if this legislation is passed in something close to its current form, it would be an important step

towards residents being treated as true stakeholders in the review process of projects that may have a significant impact on nearby homes and neighborhoods.

Of course, allowing the public to participate in this manner does not guarantee that our comments, concerns and suggestions will truly be considered.

For that to happen our local government must overcome whatever institutional resistance there is to allowing public input to have real impact on these projects. We have every expectation that this will diminish in time and, of course, we will continue to work to make that a reality.

Now I have a few suggestions about this legislation.

One, I definitely take exception to Section H, the effective date which Jim just mentioned. What it states for the audience is that requirements of subsection A and B of this section shall only be applicable to applications received after the effective date of those subsections and no applications received prior to the enactment of subsections A and B shall be subject to preliminary site plan application or public hearing process.

The public needs to understand that the legislation as it is currently written prohibits there being public hearings for the most controversial site plans including two retail proposals on Sound Avenue and several more in Wading River.

These are the most controversial plans in recent years and I know of no sensible reason why these public hearings should be intentionally prohibited. Why should this legislation specify that no application prior to the enactment of subsection A and B shall have a public hearing when even the current code does not prohibit the town from holding a public hearing on any site plan.

The clause that begins with and no application received prior should be struck as it is more restrictive than the current code.

It is vitally important that public hearings be held for all commercial site plans currently in review. That can easily be accomplished. Many site plans will not have reached the stage that would trigger a public hearing so the hearings can be scheduled when they reach that point. That's the ones in the pipeline now.

Others that may be farther along in the process to a point which might have been deemed to have passed the preliminary approval will have to be scheduled for a public hearing.

My second point is that public hearings should be required to be held in the evening. You've heard about this. Most people work days and scheduling these hearings during the day will only serve to keep turnout low on a public hearing. I know of several people who wanted to be here today at this public hearing. Bill Toder (phonetic) from the NFEC, Eric Biegler of the Sound Park Heights Association, and Joan Vogt (phonetic) of Wading River. I don't think Georgette could make it. She's in school, Georgette Keller of the Jamesport Civic I was just looking for.

And so it's the time that made it impossible for them to attend this. Scheduling hearings for evenings will truly enable public participation which is what this is all about and it should only delay progress of these plans maybe two weeks. And they already do have every other meeting in the evening so they have a monthly meeting in the evening so they could change the schedule so that they have the public hearings on those dates, realizing that most of the site plans public hearings will be extremely short. You know, many people- many of them will happen without anyone commenting, and others, of course, will be longer.

Last time we discussed this, the board suggested that this be left to the planning board's discretion whether or not to have an evening meeting. I don't think this is either practical or fair. The truth is we were rejected the one time we did ask the planning to move their discussion on Great Rock to a night meeting last October. So we had a bunch of interested residents who wanted to attend but they couldn't.

I have no reason to believe the planning board will accommodate the public in the future unless they're compelled to at least in this regard. Besides the public will only find out that a site plan is ready for a public hearing after the public hearing is announced. At that point accommodating a night meeting would mean spending the money to republish the rescheduled hearing and would cause confusion for the general public because you've already announced it and you're going to announce it again. So it's just not practical, it doesn't work.

Number three, I'd like to remind you about the fact that

currently there's nothing in the process about covenants and other restrictions. In the past, plans have been approved. Unfortunately they violated covenants and I'm sure other restrictions."

Supervisor Walter: "Hold on on that point. Didn't we put that in the legislation, that they had to provide copies of covenants?"

Dominique Mendez: "Did I not see it and is it in there?"

(Inaudible comment)

Supervisor Walter: "So we're taking care of that. It's just not part of this. Just push that one forward too. We took care of that one."

Dominique Mendez: "Right. You are going to be taking care of that soon. There's another place where you might want to address it here and it's in the skipping ahead under planning department review, that it may be appropriate to put that out. Just think about it. If it also belongs in the planning department review as part of the normal review process."

Supervisor Walter: "I think we looked at it and it was more appropriate under the other section."

Dominique Mendez: "Just to consider those things. And we're talking for the public. We're talking about covenants, easements and deed restrictions. There may have been those things that one would think would preserve balance or, you know, if the town is supposed to have an easement or if there's a covenant that prohibits that. In the past no one necessarily knew about. It wasn't formally in the process and so it may be didn't matter that there was a covenant prohibiting something because no one ever reviewed that."

Supervisor Walter: "Bill, we can get that section 190- 192 is that what it was?"

Dominique Mendez: "108-32, I think. 132."

(Inaudible comment)

Supervisor Walter: "All right. Can we get that one on like

soon? Thank you."

Councilwoman Giglio: "Upon determining that a preliminary site plan application is complete and it's only complete if that checklist of items have been met and this is included in that chapter."

Dominique Mendez: "Right. And not just that they're provided by the applicant, right. But that it's verified that everything has been and that an applicant may have a reason that they wouldn't want to necessarily provide you with covenants that restrict them from doing things. So you need to check that there is the existence of that or not and you'd also need to verify that what they have given you is accurate."

Supervisor Walter: "Get a certified title report."

Councilwoman Giglio: "That's what the supervisor recommends which I thought was a better idea rather than the actual document itself. There's a listing of all the covenants and restrictions or easements that have been recorded against the property."

Dominique Mendez: "Okay. So finally I'd just like to thank the members of this board for moving towards opening up this process to the public and I hope you will seriously consider making some revisions to this legislation based on the issues I and the other members of local civic and environmental groups are raising."

With this in mind, I'm submitting a copy of my suggestions now."

Supervisor Walter: "Thank you."

Dominique Mendez: "Oh, and one last thing by the way. Please feel free to check if the postcards are duplicates. I'm pretty confident that the postcards received from people on the moratorium in Wading River are not multiple."

Supervisor Walter: "I'll know when I start knocking on doors."

Dominique Mendez: "Please do that. Because you've received hundreds of them and I'm fairly confident that they are each signed by a different person, some of them business people."

Thank you."

Supervisor Walter: "Thank you. Next, sir."

Pete Scalzo: "Board members, Pete Scalzo, Motorsports Management Group. A couple of weeks ago, I was very happy to see on television a segment on a TV show called Top Gear and part of the segment was filmed here- "

Supervisor Walter: "Mr. Scalzo, are you- we're talking- this is a public hearing for site plan review only."

Pete Scalzo: "Oh, not open to the public on- "

Supervisor Walter: "Only site plan review."

Pete Scalzo: "Will it be open after the meeting?"

Supervisor Walter: "Yes."

Pete Scalzo: "I'm sorry. I apologize."

Supervisor Walter: "Yes."

Phil Barbato: "Thank you. Phil Barbato."

Supervisor Walter: "How are you doing, Mr. Barbato?"

Phil Barbato: "(inaudible) Preservation Coalition. I just want to thank the board for considering this important legislation and I hope you consider all the comments and pass it swiftly because we need to start including the public in this process.

Up to now, it's been a one sided operation and this will make it truly an open process which will improve the town for future generations.

I've also been asked to provide to you the testimony of Bill Toder (phonetic) who is the president of the North Fork Environmental Council could not be here for the afternoon meeting. If that's okay with you, I'll just read his statement."

Supervisor Walter: "Do you have a written comment?"

Phil Barbato: "I have copies."

Supervisor Walter: "Okay."

Phil Barbato: "The North Fork Environmental Council supports the proposed changes to Riverhead town code to better promote public participation in planning board reviews. These changes will create better awareness and understanding of matters which come before the planning board as well as create an atmosphere of inclusion rather than exclusion and a process of openness and transparency."

If shaped properly, this new process will help protect the North Fork's natural resources and way of life for the benefit of all, today and in future generations.

The NFEC does have a few points of clarification it wishes to present for your consideration.

Number one - item 5 paragraph F states that "the planning board shall receive written comments for 10 days following the close of the public meeting". There are three things in this item which should be better defined.

The first one (a) would be language should be added to the proposed code to detail what happens to such written comment. For example, and Mr. Toder suggests some wording here. Quote written comments from the public received in a timely manner will be made part of the written record. All such materials will be made available to planning board members so that review of these materials will be part of the normal review and evaluation process, end quote. So there's some words for your consideration."

Supervisor Walter: "Hold on for a second. Bill, wouldn't they automatically be part of the record if we're leaving the hearing open?"

Bill Duffy: "Yes, that's the reason for leaving the hearing open for written comment."

Supervisor Walter: "For incoming. So they would be part of the record."

Phil Barbato: "Okay."

Supervisor Walter: "That clears that up. There can be no change to that as far as I'm concerned. That's part of it."

Phil Barbato: "Okay, great. The second one there, item B would be the proposed revision should make clear how written comments from the public can be submitted and the appropriate contact information and such information should be included on all planning department communications such as on all applications and public notices.

For example, and here Mr. Toder has some words to suggest. Quote, written comments from the public can be submitted in the following forms and manner, e-mail with an e-mail address listed; letter, mailing address; and fax with a fax number."

Supervisor Walter: "Hold on. Would that be something that we could have- I'm going to keep having Bill and Rick jump up and I know you're not- jump up there for a second, Bill. You probably should stand by the microphone so we can get a record of this.

Normally when we do this, do you have to- do we have to codify this or would we just have this part of the submission package? In other words, when Rick does the submission checklist, could we do it in that fashion? Because I'm hesitant to use e-mail, truthfully. I know everybody loves e-mail but just because you hit the send button, doesn't mean anybody on the other side has the time to read it."

Councilwoman Giglio: "Or that it didn't go to spam mail or anything else. I mean, it's- I would just say that if there's any written comment should go to the town clerk which would be distributed to all members of the planning board.

Because any correspondence on our public hearings that are submitted to the town clerk, we all receive copies of that correspondence."

Supervisor Walter: "So if you do it to the town clerk or the planning board clerk- "

Councilwoman Giglio: "Well, once the application is deemed complete and if somebody in a specific organization wanted to file- FOIL for a copy of that, they would go to the town clerk to FOIL it because now we're directing the planning board upon completeness to

file a copy with the town clerk."

Supervisor Walter: "You're right. We have to clarify. Because it wouldn't go to the town clerk, it would go to the planning board clerk."

(Inaudible comment)

Supervisor Walter: "Right. Right. Okay. So we--suffice it to say we're probably going to have another public hearing on this public hearing but we need to clarify that aspect of it, that it would go to the planning board clerk for planning board and the town clerk for town board site plan applications. That's a good point. Bill, we have to change that."

As far as written, I think it has to be submitted in a hard copy. I mean it's got to be a hard copy. We can't have e-mails. It's just not-- I know I'm a dinosaur trying to hold everybody back."

Phil Barbato: "Yeah. I think the NFC comment was to specify how it should be submitted."

Supervisor Walter: "And if we say written to the town clerk, I think that clarifies it. Okay?"

Phil Barbato: "Okay. All right. C is in addition to contact information, the revised code should also spell out any timing issues for receipt and acceptance of all public comments."

For example, and this is suggested language again. Faxes, e-mails and letters or whatever you chose, through the US Postal Service, courier service or delivered in person, must be received in the planning department office no later than and he specifies a time, 3:00 p.m. on a regular business day, 10 days from the date of the public hearing in order for the comment to be made part of the public record."

Supervisor Walter: "Bill, we could probably tighten this up a little bit but it has to be by mail. I'm not-- you know, mail or hand delivered."

Bill Duffy: "As long as we have a Postal Service (inaudible)."

Phil Barbato: "Yeah, let's hope so. Such specifics can only help all parties help make the process more effective and efficient.

Then the second comment is item H, again. Paragraph 1 is not in keeping with the spirit of creating an atmosphere of inclusion and a process of openness and transparency. There is no reason why all applications, even those currently in the pipeline, cannot be subject to these new provisions.

Public input should be encouraged and not arbitrarily restricted especially since these changes are being considered in reaction to what projects are currently being considered for the town.

And lastly the NFEC believes that for these proposed changes to be most effective public meetings must be held at a time that allows the greatest level of participation, as many interested parties whether they be neighbors or members of concerned groups like the NFEC, work in jobs from eight to five and keeping such jobs is especially important during these difficult economic times.

We ask that the planning board look to hold public hearings in the evening. Again in keeping with the spirit of creating an atmosphere of inclusion and a process of openness and transparency.

The NFEC supports the move to public hearing and encourages the planning department and town to take the time to make sure that the new code encourages public awareness, understanding and participation.

And it's signed Bill Toder, president NFEC.

Thank you very much."

Supervisor Walter: "I will make another comment and, Rick, step up to the podium so we can get this part of the record. I guess it makes sense.

It seems to me originally- I liked the idea of day meetings and night meetings because if you look up at the makeup of a lot of this town, you've got a tremendous number of business people that come to afternoon meetings that don't come to the daytime meetings, Marty Sendlewski would be one of these people that- he is a resident but he comes to the afternoon meetings and I like the idea of having

either or because it is a different makeup.

But how- if we did do an evening meeting, is that going to require that public hearings at an evening meeting, is that going to delay- not necessarily delay anything? That's what I don't want to do."

Rick Hanley: "I think there would be a certain amount of delay, yes. The planning board meets the first Thursday of the month in the evening and the third Thursday in the afternoon. Our thought was to just try to keep these public hearing processes going by having the ability for the planning board to use discretion if it's a non-consequential site plan or innocuous site plan, we would hold it in the afternoon.

I think the planning board has the ability to discern which site plans the public is more interested in and I'm certain that the chairman would schedule those for the evening meeting."

Supervisor Walter: "All right. I mean it's no different- "

Rick Hanley: "I think we're all reasonable people here. I don't know that it has to be codified."

Supervisor Walter: "Yeah, it's no different than what we do. I mean it's really not. All right, thanks, Rick."

Dominique Mendez: "Yeah, that would make a little more sense. The one time that we asked for it to be an evening meeting on something that everyone knew was of definite interest to the residents, they didn't deny us that request. So that's the history of it. So that doesn't make me feel overly confident that anything is going to be different on that when it's up to their discretion as it was and I think the reason that was told to me was there might be some overtime like an hour or two of an employee. And they knew there was- "

Supervisor Walter: "Well, we don't allow that anymore."

Dominique Mendez: "Right. So they knew there was interest in it and yet they denied it."

Councilwoman Giglio: "I think that what the supervisor said makes sense in that there are people that prefer to come to the day

meetings versus the evening meetings but I'm sure that if there was a public hearing on a day meeting and that there was a lot of community input that wanted to be heard and they sent letters saying can you please adjourn this to an evening meeting- "

Dominique Mendez: "That's what we did."

Councilwoman Giglio: "-- that the planning board would do that."

Dominique Mendez: "And that's what I did. I wrote a formal letter requesting, we had a lot of people, and they denied it. They had it during the day and a lot of people couldn't show up. That's the history of it. It happened in October. I can give you the back and forth- it wasn't a hearing, but it was a meeting that we wanted to attend. It was of public interest. And they- that's right, there was a meeting. So that would be- "

Councilwoman Giglio: "(inaudible) the meetings once a month. I mean that's, you know, taking away from the process."

Dominique Mendez: "Well you would just balance. You'd have hearings on that night which would mean those evening meetings would be more geared towards hearings and then you take some of the business that would have been done that, you know, every two weeks and pushed it off. So that would- "

Supervisor Walter: "We have a policy now that you have a public comment portion in the beginning of a meeting."

Dominique Mendez: "Yes."

Supervisor Walter: "So you could still stand up and talk. I understand what you're saying. I don't know that it's dissimilar to what the town board does now."

Dominique Mendez: "That's actually not- I just was responding to that."

But I also wanted to talk about the e-mail again because as you know I communicate a lot- "

Supervisor Walter: "Really."

Dominique Mendez: "Yeah, really, to the town board and to the different administrators, like Diane for example, the town clerk, and I often do use e-mail. And I think it works when I send something, the e-mail and it's copied, that it gets copied and it's a quick way and I think it might work for the planning staff.

I know, Sean, you- "

Supervisor Walter: "I'm up to date now."

Dominique Mendez: "Oh, you are. Okay, great. But I know- "

Supervisor Walter: "The problem with the e-mails, Dominique, is they get spammed. You hit the send button, somebody hits something wrong that doesn't, you don't know, maybe you do know it doesn't go. The US Postal Service has worked forever plus you can take your e-mail, print it and drop it in the mail.

I just think it's more appropriate to have a written copy plus- and an e-mail can be, I don't want to say doctored, but you know a letter is a little bit more difficult to change around than an e-mail probably is."

Councilwoman Giglio: "And we're requiring the applicant to send us certified letters to the property owners and not allowing them to do it via e-mail, so I think that, you know what I'm saying, it's like the process has to work the same both ways."

Dominique Mendez: "Okay. I had to mention it because it seems to be the easiest process so far with me working with the staff here. So I wasn't sure why it would be so different and people often rely on e-mail. I understand your point."

Supervisor Walter: "George and I are trying to hold you all back."

Dominique Mendez: "I'm not sure how to take that, but okay."

Supervisor Walter: "Does anybody else wish to be heard on this subject?"

Okay, we're going to leave this open for written comment and by US Postal delivery to September 16th at 4:30 p.m. in the town clerk's office so if you have any written comments, submit them

there and if you send them to me by e-mail, sometimes if they're- I actually print them and give them to Diane to make them go in, but written US Postal Service, buy a \$.44 stamp. It is \$.44 cents right?"

Public hearing closed: 3:41 p.m.

Left open for written comment for 10
days to September 16, 2011 at 4:30
p.m.

Supervisor Walter: "Okay, Sal. What's the good word, Sal?"

Sal Mastropaolo: "Resolution 677."

Supervisor Walter: "Okay, hold on. It's good when Sal starts with a high number."

Sal Mastropaolo: "The first Whereas says a call in seasonal clerk. But this resolution is not consistent with other resolutions that are passed because usually there's a statement that says being available at the pleasure of the town board and there's usually a mention of total number of max hours worked per week."

Supervisor Walter: "No, we don't do that for the call in clerks. These people- the ones- and I don't know exactly what- Tara do we know- I don't know exactly what this person does but we get the people that come in for one hour and do- I'm going to make it up- jazz-er-cize a class or something like that. And that's all they come in for. Nobody- "

Sal Mastropaolo: "Well, let me ask a question. This is a call in clerk not a part time clerk?"

Councilman Dunleavy: "A call in seasonal clerk."

Councilman Wooten: "It's a seasonal class- "

Councilman Dunleavy: "It must be a special because of the salary they're paying. This must be a special- "

Sal Mastropaolo: "Well, I didn't mention the salary, but

that's what caught my attention."

Councilman Wooten: "They're professionals (inaudible)."

Supervisor Walter: "Tara, do we know what Stephanie Janecek is being hired as?"

Tara: (Inaudible)

Supervisor Walter: "All right, we'll find out. I- it's my recollection it was a- "

Councilwoman Giglio: "Yeah. It's a speciality type person that's called in, like Latin dancing."

(Inaudible comment)

Sal Mastropaolo: "No. It says a call in seasonal clerk."

Supervisor Walter: "For \$22.00 an hour. I think that's more than we pay the town board."

Councilman Dunleavy: "It has to be special, whether it's a- "

Supervisor Walter: "We'll find out before we adopt it."

Sal Mastropaolo: "680, the fourth whereas, include the word include after does not in the second line. And does not include walkways or entrances. The fourth whereas, the second line, the third word should be include."

Supervisor Walter: "Service only provides salt and sanding of parking lots and does not include walkways, entrances. That's correct. We're not sanding the fire department's walkways, entrances. We're not doing that. Okay, you're right."

Sal Mastropaolo: "683- "

Supervisor Walter: "You've got that, Diane?"

Sal Mastropaolo: "The second whereas, the second line says contemplated abandoning efforts."

Supervisor Walter: "683?"

Sal Mastropaolo: "Yeah. This is authorizes payments to Ivy Acres. We went from contemplating abandoning efforts to paying or to asking to pay him \$19,902.23 for 2011 landscape items.

My question is shouldn't something like that be bid out? I mean how do we totally disregard the bid process and now we're going to authorize \$19,,000 to this guy?"

Supervisor Walter: "Point well taken."

Sal Mastropaolo: "Okay. And 686, the second whereas. Strike the last four words, I think you should strike the last four words, now therefore be it, that usually precedes resolved."

Supervisor Walter: "I'm sorry, what was the number?"

Sal Mastropaolo: "686, the second whereas. The last four words in the second whereas."

(Inaudible discussion)

Robert Kozakiewicz: "No. He's saying that the words now therefore be it shouldn't be in the whereas provisions. So you strike (inaudible)."

Sal Mastropaolo: "Right, yes. That's fine."

Robert Kozakiewicz: "Well it should precede the now therefore be it resolved. It should be a separate paragraph so the now therefore be it resolved at the end of the third whereas should come out of that paragraph and be inserted (inaudible)."

Sal Mastropaolo: "Well, it makes no sense in the second one, that's my point."

(Inaudible discussion)

Supervisor Walter: "Thanks, Sal. Anybody else have comments on resolutions. Okay, Diane, let's take them up."

Resolution #662

Councilman Dunleavy: "Recreation fund budget adjustment. So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #663

Councilman Wooten: "It's a general fund budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #664

Councilman Gabrielsen: "New well construction plant 15 capital project budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #665

Councilwoman Giglio: "Water extension #89 Peconic Sportsman's Club capital project budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #666

Councilman Dunleavy: "General fund engineering budget adjustment. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #667

Councilman Wooten: "Authorization to donate fixed assets. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #668

Councilman Gabrielsen: "Authorization to donate fixed assets. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #669

Councilwoman Giglio: "Authorizes the supervisor to execute an extension to a grant agreement with NYS Parks, Recreation and Historic Preservation for funds to support the Calverton recreational facilities phase II. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #670

Councilman Wooten: "This authorizes the town clerk to post and publish the attached notice to bidders for Miamogue Park construction project.

I'm sorry, you were supposed to read that. So moved."

Councilman Dunleavy: "I know, I started and then you jumped in."

Councilman Wooten: "Go ahead, you second it."

Councilman Dunleavy: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #671

Councilman Dunleavy: "Appoints temporary groundskeepers. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #672

Councilman Gabrielsen: "Appoints temporary part time groundskeeper. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #673

Councilwoman Giglio: "Ratifies the appointment of an assistant town engineer. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #674

Councilman Dunleavy: "Approves the transfer of a public safety dispatcher. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter."

Supervisor Walter: "It's unfortunate. I'm sorry to see Eric leave but he's moving on to green pastures. So, yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #675

Councilman Wooten: "This grants a special use permit petition of Vertical Line Apparel, Inc. So moved."

Councilman Gabrielsen: "And seconded."

(Inaudible discussion)

Supervisor Walter: "I'm going to have to get reading glasses. I'm having a tough time sitting here reading."

Robert Kozakiewicz: "The first whereas, the fourth sentence the first word, it says file. I think it should be field."

Supervisor Walter: "Okay, you have that? Okay."

Councilwoman Giglio: "Is this just for the outdoor sports facility or are they talking about the indoor sports facility being used (inaudible)."

(Inaudible discussion)

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #676

Councilman Gabrielsen: "Awards bid for food products. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #677

Councilwoman Giglio: "Appointment of a call in seasonal clerk to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

Councilwoman Giglio: "Tara, did you get the information?"

Tara: "Yes, I did. (Inaudible)."

Supervisor Walter: "Okay, sounds good to me. Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #678

Councilman Dunleavy: "Approves a stipulation of agreement. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, no; Dunleavy, yes; Walter, no. The resolution is adopted."

Resolution #679

Councilman Wooten: "Commemorating the tenth anniversary of the September terrorist attacks on the United States proclaiming September 11, 2011 as Patriot's Day in the town of Riverhead. So moved."

Supervisor Walter: "Read the whole thing. Go ahead, Jim. Please read the resolution out loud. Tara said for me to do it but you're the man. Read the resolution."

Councilman Wooten: "All right. Whereas, America's view of the world trade center changed forever the morning of September 11, 2001 when the deadliest acts of terrorism ever launched against a nation killed thousands of innocent people in New York, Washington DC and Pennsylvania; and

Whereas we are forever grateful to the rescue, law enforcement, military, emergency personnel and other citizens who selflessly risked their lives in response to the attacks to which those in need and those who endured the physical and emotional strain of the recovery operation; and

Whereas we are especially proud of those who answered their nation's call and tirelessly helped searched for survivors and recovered remains amid the world trade center's maze of twisted debris; and

Whereas since that fateful morning the United States has been engaged in a global war on terror in attempt to rule out those to intent to bringing harm to our nation and its citizens. Our strength, heroism and unity will become this nation's resolve to confront terror and leave behind a legacy of peace; and

Whereas as we reflect on the 10th anniversary of this tragic day we pause to remember the horrific events of September 11, 2001 by bringing tribute to the innocent victims and expressing gratitude to those who courageously responded in its aftermath; and

Whereas days of prayer and remembrance have been set aside to remember the thousands of lives lost and the innocent men, women and children whose lives have been forever changed by those senseless acts; and

Whereas September 11, 2001 reminds us that all Americans must stand together as we continue to heal our wounds and remain committed to defending our nation's freedom. Those whom we lost will forever hold a cherished in our hearts and in the history of our great nation.

And, Now, Therefore, Be It Resolved that the town board of the town of Riverhead commemorate the 10th anniversary of September 11, 2001 terrorist attacks on the United States and hereby proclaim September 11, 2011 as Patriot Day in the town of Riverhead, New York; and

Be It Further Resolved that all town hall departments may review and obtain a copy of this resolution from the electronic storage device and if need be a copy of same may be obtained in the office of the town clerk.

So moved."

Supervisor Walter: "Moved, and seconded?"

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Nice, good reading. Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #680

Councilwoman Giglio: "Can I just- as to Resolution 678, it says approves the stipulation of agreement and we don't have a copy of the stipulation of agreement attached to this so we don't know exactly what we're agreeing to."

(Inaudible discussion)

Councilwoman Giglio: "I want to recall this because I think this should be tabled until we actually receive- "

Councilman Gabrielsen: "Make a motion to rescind it."

Councilwoman Giglio: "Rescind it."

Supervisor Walter: "Is there a second on the motion to rescind?"

Councilman Gabrielsen: "I'll second motion to rescind."

Supervisor Walter: "You made the motion to rescind? We're making- have a vote to rescind Resolution 678 of 2011. Can we have a vote on that?"

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "I think we've had many discussions on this but I'll vote yes to rescind it just so we have another discussion."

The Vote (Cont'd.): "Walter, yes. Resolution is rescinded."

Supervisor Walter: "It's- 678 is rescinded. Bob, I don't know if you want to formally draft something for that."

Robert Kozakiewicz: "It's rescinded."

Supervisor Walter: "The resolution is rescinded."

Councilman Dunleavy: "What happens with this gentleman coming

back to work now?"

Supervisor Walter: "Let's not have that conversation here."

(Some inaudible discussion)

Robert Kozakiewicz: (Inaudible)

Supervisor Walter: "Well, we just passed a resolution to rescind it. That's no different than any other resolution we do to rescind."

Councilman Dunleavy: "I know we're not supposed to discuss this but we're going to start paying this gentleman to sit home again until we pass another resolution. I'm just saying that's the consequences that we could be facing- "

Supervisor Walter: "Can we call the next resolution because we can't have the conversation now. We will draft the resolution, rescind that- the town attorney will draft a resolution rescinding that."

Resolution #680

Councilwoman Giglio: "Can we go into executive session and talk about this and then come back and continue the town board meeting?"

Supervisor Walter: "No. Let's finish the town board meeting."

Councilman Gabrielsen: "680 authorizes the supervisor to execute an inter-municipal agreement between the town of Riverhead and the Riverhead fire department for sand and salt services, as amended, does not include walkways. So moved."

Councilwoman Giglio: "And seconded as amended."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #681

Councilwoman Giglio: "Approves Chapter 90 application of Darkside Productions Inc. for haunted house walk through, September 30 - October 31, 2011. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #682

Councilman Dunleavy: "Authorization to extend contract to Wedel Sign Co. Inc. for signage for the town of Riverhead. So moved."

Councilman Wooten: "And I'll second it."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #683

Councilman Wooten: "This is authorizing payment to Ivy Acres, Inc. for landscape supplies for 2010-2011. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #684

Councilman Gabrielsen: "Authorize the town clerk to publish and post public notice for a local law to consider an amendment to chapter 58 entitled Dogs of the Riverhead town code. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, no; Walter, yes. The resolution is adopted."

Resolution #685

Councilwoman Giglio: "Adopts a resolution authorizing the supervisor to execute agreements to provide the County of Suffolk with assurances related to the dredging of East Creek, Hawks Creek, Miamogue Lagoon and the Baywoods Cove located within the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Unfortunately this is the only way that we can get the county to dredge our creeks, so yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yeah, I don't like it doing this, giving the county carte blanche to dredge these creeks that need to be dredged but to relieve them of any damage and stuff that happens, but to do this and we need these creeks dredged, I vote yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "I agree with you wholeheartedly. But yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #686

Councilman Dunleavy: "Authorizes the waiver of a 30 day notification required by the New York State Liquor Authority. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "As amended, removing now therefore b e it in the second whereas, yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #687

Councilman Wooten: "This authorizes town clerk to publish one-half page notice pursuant to NYS Sanitary Code. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #688

Councilman Gabrielsen: "Rejects bids and authorizes the town clerk to republish and repost notice to bidders for water meters and accessory equipment for the Riverhead water district. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #689

Councilwoman Giglio: "Authorizes the supervisor to execute a stipulation with Local 1000 AFSCME, AFL-CIO, Riverhead unit of the Suffolk Local #852. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #690

Councilman Dunleavy: "Motion to pay bills. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Okay. Now we open the town board meeting up to public comment on anything--"

Councilman Gabrielsen: "I'd just like to make one comment before we start. Give me a minute."

I just want to tell all the bow hunters out there that we're going to have bow hunting at EPCAL this fall season and it's going to run between October 10th to November 27th, okay. But the important date is September 27th, that's the day we're going to have the lottery to pick a time slot when you can hunt.

I just want to put that out there. And the hunting period will be about-- the lottery is for like one week of hunting at a time. It's going to be open only to Riverhead town residents."

Supervisor Walter: (Inaudible)

Councilman Gabrielsen: "We went by that, I've got to catch it. Get that out there because we want them to know when the lottery date is."

Supervisor Walter: "Any other committee reports? No. Okay. That's it. Newsday is gone."

Public comments"

(Some inaudible comments)

Supervisor Walter: "We're opening it to public comment. We

already have a gentleman up there for anything you wish to discuss. We ask you to limit your comments to five minutes. And- "

Ed Purcell: "We hope five minutes."

Supervisor Walter: "What's that?"

Ed Purcell: "Hope five minutes."

Supervisor Walter: "Okay. What's going on?"

Ed Purcell: "Okay. This is a community service- "

Supervisor Walter: "Give us your name."

Ed Purcell: "Ed Purcell, East Main Street, Riverhead. This is a community service notification. We're having a blood drive, Roanoke Lodge, on the 17th of September, 9:00 til 1:30. The New York Blood Bank will be there to do it and we're sponsoring it by sponsoring it with the location."

Supervisor Walter: "Oh, okay. This is not the same as the community blood drive that Lauren and Michael Reichel are doing?"

Ed Purcell: "No."

Supervisor Walter: "Okay."

Ed Purcell: "This is through the Roanoke Lodge. Now Roanoke Lodge is part of the independent Order of Odd Fellows which most people don't know much about. We were- it was originally in Europe. It came to the United States in- the first lodge was in Baltimore in 1819. It was- the first lodge in Roanoke was Roanoke in Riverhead. Let's see, Roanoke Lodge was started in 1877 on May 30th.

The meetings were held in the Masonic Lodge for the first nine years. After that, Roanoke Lodge bought a building which still stands on Griffing Avenue. It's not the building on the corner. It's the next building up. And we met there until 1929 when we built a building on the corner of 2nd and Roanoke Avenue.

Actually the town hall was in the building as well as the- as a matter of fact, the first town board meeting I went to was there."

Supervisor Walter: "When did town hall leave, do you know?"

Ed Purcell: "I don't know."

Supervisor Walter: "Bob, do you- "

Councilman Wooten: "It left when it came here."

Ed Purcell: "In the '70's."

Supervisor Walter: "Yeah, probably '74, something like that. What is your (inaudible)."

Ed Purcell: "Okay. I have some pamphlets so that you'll know just what we're about."

Supervisor Walter: "It has the weird eyes on the top of the building."

Ed Purcell: "Yes, it does. Now some of the national members in the past were Ulysses S. Grant was a member; Harry Truman, and FDR as well as Supreme Court Justice Earl Warren and Williams Jennings Bryan were all Oddfellows.

Let's see."

Councilman Wooten: "But did they belong to your lodge?"

Ed Purcell: "No, not to our lodge. But some of the local families that have been members of the lodge were the Beebe family (phonetic), Kravils (phonetic), let's see, the Reeve families, Goodales, Hulse, Young, Corwin, Cheshire, Griffing, Penny, Warner, Moore, Woodhull as well as Saxtein. The Saxteins were members of the lodge and- "

Supervisor Walter: "So basically like the founding members of this town."

Ed Purcell: "Yes. Were charter members. And earlier, let's see, the rest of the information is in here, but we've been part of the community for a long time but in the last 30, 40 years we've been awful quiet and we've decided to try and do more in the community."

Supervisor Walter: "How many members do you have now?"

Ed Purcell: "Statewide we have about 3,000 not counting-- there's also a women's division even though men can belong to the women and women can belong to the men's division, the women's division is the Rebecka's. In New York State we have two homes. We have a rehab center in the Bronx that we just built, actually I should say re-built. They tore the old one down and built a new one and we also have an aged home up in Lockport. We used to have children's homes. We still have a children's home over in Cambodia where we have children who have been orphaned.

If I'm not mistaken I think it says in here that-- let's see here. The Oddfellows and Rebekas have spent over \$775 million dollars in relief projects annually. So we have an education foundation. The orphan home in Cambodia is the SOS Children's Village. We have Living Legacy that plants trees to enhance the environment. We have our arthritis foundation. This is all national stuff. Visual research, United Nations pilgrimage to the UN, and annually we have a float in the Rose Parade.

In New York State we have a-- we have some educational scholarships. We also have a program called the John C. Sable (phonetic) Heart Fund where we give money to somebody who's involved in heart research and it goes out of Rochester and it's very prestigious because may be the people who-- we give them the seed money and they've got some very big grants from people with real money, not like the Oddfellows.

But locally we have under 100 people in the lodge but we still own the building and we've been there as I say for a long time."

Councilman Wooten: "I think it's important to point out that you are a fraternal organization."

Ed Purcell: "We are a fraternal organization like the Masons, like the Moose, the Elks. We do a lot of good things around here.

But just to let everybody know about the blood drive and here's some phone numbers."

Supervisor Walter: "Did you post it on the bulletin board out front?"

Ed Purcell: "Yes. This was on the bulletin board out front and I'm going to put it back but I put it up here so that people could see it."

Supervisor Walter: "Give us the time and location again."

Ed Purcell: "It will be on the corner- the building on the corner of- it's called 220 Roanoke Avenue. The corner of 2nd Street and Roanoke Avenue. It's the big three story brick building, you can't miss it."

Supervisor Walter: "With the eyes."

Ed Purcell: "With the eyes on it. It will be on Saturday, September 17th from 9:00 a.m. to 1:30 p.m. and the phone numbers that you can reach if you want to call ahead and get a time is the guy who's running it is the head of the lodge this year, Michael Barr, he's from Shoreham. His phone number is 744-1442, or his cell number is 702-0131.

Thank you."

Supervisor Walter: "Ed, feel free to come by anytime, discuss the organization."

Ed Purcell: "Well, I have some copies for you."

Supervisor Walter: "Absolutely, feel free to come."

Ed Purcell: "Anybody's free to donate blood, we need blood."

Supervisor Walter: "They won't let me donate anymore. All right. Mr. Scalzo, you're up."

Peter Scalzo: "Yes, sir. Again I was so excited to see you folks, since April I haven't seen you so I couldn't wait to get up here."

Supervisor Walter: "You've still got that Florida tan."

Peter Scalzo: "Yes, just came back. What I'm here for as I started to say before, a couple of weeks ago I saw an episode on the TV show Top Gear and part of the segment was filmed here at one of the runways at EPCAL.

I want to commend the board on maybe changing your policy a little bit in welcoming some income and I would also like to once again appeal to you for something that really could shape the future of the EPCAL site and as you know I'm going to get into the drag racing thing once again.

My appeal today is not to allow you or to ask you to allow a drag strip at EPCAL, although you know that's my ultimate goal. I am once again appealing to you to allow a 15 minute sound test at EPCAL which will be not unlike what was done over a two day period by the Top Gear folks. And again I thought it was an excellent, very enjoyable show.

Again, the purpose of this to see if we will have a negative impact on the cemetery and I know that is a big, big issue and, again, I am here to appeal if it was okay for the Top Gear folks to run their thing which again I say was good. They came, they were done, they left.

My proposal, what I'm trying to do is let's see if we're going to have a negative impact. Allow me to do the sound test, 15 minutes, and if it will take the same amount of monies as they paid you for one day's use, I'm willing to pay the same."

Supervisor Walter: "Thank you. Anybody else wish to be heard today? Okay. Can I get a motion to adjourn."

Councilman Dunleavy: "I make a motion we close the town board meeting ."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Supervisor Walter: "Thank you for coming everybody."

Meeting closed: 3:55 p.m.

Deane M. Wilhelm
Town Clerk